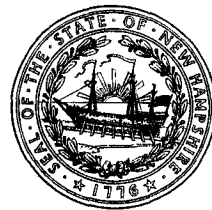




The State of New Hampshire
Department of Environmental Services
Waste Management Council

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Appeals Clerk Telephone (603) 271-6072 - TDD Access: Relay NH 1-800-735-2964
DES Website: www.des.nh.gov - Council Website: www.des.state.nh.us/councils/



STATE OF NEW HAMPSHIRE
WASTE MANAGEMENT COUNCIL

Docket No. 06-07 WMC

Appeal of General Auto Sales
In Re: Groundwater Management Permit No. GWP-198706002-C-002

Decision & Order
on
Motion for Waiver of Filing Deadline for Notice of Appeal

Background

On February 20, 2006 the New Hampshire Department of Environmental Services, Waste Management Division ("DES") issued Groundwater Management Permit No. GWP-198706002-C-002 to the City of Claremont ("the Applicant").

NH Code of Administrative Rules part Env-WMC 204.01 requires that an appeal to the Waste Management Council ("the Council") shall be filed within 30 days of the date the decision being appealed was issued. The deadline for filing an appeal of the issuance of the above permit was March 22, 2006.

On May 8, 2006 Attorney Mark H. Puffer filed a Notice of Appeal ("the Appeal") with the Council on behalf of General Auto Sales ("the Appellant"). The subject of the Appeal was the DES decision to issue Groundwater Management Permit No. GWP-198706002-C-002. The Appeal included a request for expedited review in accordance with NH Code of Administrative Rules Env-WMC 204.14. Also filed with the Appeal was a Motion for Waiver of Filing Deadline for Notice of Appeal ("the Motion"). In the Motion the Appellant argued that "Although the appellant's property is apparently included in the Groundwater Management Zone, appellant had no notice of the issuance of said permit until receipt of a letter dated April 5, 2006, from the

permittee City of Claremont.” The Appellant asked the Council to waive the 30-day period for filing of the Appeal on the grounds that the Appellant had no notice of the issuance of the permit until April 5, 2006 and therefore could not have filed an Appeal within the 30-day period required by Env-WMC 204.01.

On June 6, 2006 Attorney Jennifer J. Patterson filed an Appearance on behalf of DES.

Findings and Conclusions

On June 15, 2006 the Council voted to grant the Motion for Waiver of Filing Deadline for Notice of Appeal, to grant the request for expedited review, and to accept the Appeal. In accordance with Env-WMC 204.14(g) the Appeal Hearing in this matter shall be scheduled for July 20, 2006.

Order

Motion for Waiver of Filing Deadline for Notice of Appeal and Request for Expedited Review are **GRANTED**.

The hearing in this matter is scheduled for Thursday, July 20, 2006 at 10:00am. in Rooms 112-114 of the offices of the Department of Environmental Services, 29 Hazen Drive, Concord, NH.

So Ordered for the Council by:

COPY
Michael P. Serafani, Appeals Clerk

June 15, 2006